

House File 229 - Introduced

HOUSE FILE 229

BY ISENHART

A BILL FOR

1 An Act relating to water resources and watershed management.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 65. Water stewardship plans submitted
4 to the department of natural resources pursuant to section
5 466B.42.

6 Sec. 2. Section 466B.3, subsection 4, Code 2013, is amended
7 to read as follows:

8 4. *Membership.*

9 a. The voting members of the council shall consist of the
10 following members:

11 ~~a.~~ (1) The director of the department of natural resources
12 or the director's designee.

13 ~~b.~~ (2) The director of the soil conservation division
14 of the department of agriculture and land stewardship or the
15 director's designee.

16 ~~c.~~ (3) The director of the department of public health or
17 the director's designee.

18 ~~d.~~ (4) The administrator of the homeland security and
19 emergency management division of the department of public
20 defense or the administrator's designee.

21 ~~e.~~ (5) The dean of the college of agriculture and life
22 sciences at Iowa state university or the dean's designee.

23 ~~f.~~ (6) The dean of the college of public health at the
24 university of Iowa or the dean's designee.

25 ~~g.~~ (7) The dean of the college of natural sciences at the
26 university of northern Iowa or the dean's designee.

27 ~~h.~~ (8) The director of the department of transportation or
28 the director's designee.

29 ~~i.~~ (9) The director of the economic development authority
30 or the director's designee.

31 ~~j.~~ (10) The executive director of the Iowa finance
32 authority or the executive director's designee.

33 ~~k.~~ (11) The secretary of agriculture, who shall be the
34 chairperson, or the secretary's designee. As the chairperson,
35 and in order to further the coordination efforts of the

1 council, the secretary may invite representatives from
 2 any other public agency, private organization, business,
 3 citizen group, or nonprofit entity to give public input at
 4 council meetings, provided the entity has an interest in the
 5 coordinated management of land resources, soil conservation,
 6 flood mitigation, or water quality. The secretary shall also
 7 invite and solicit advice from the following:

- 8 ~~{1}~~ (a) The director of the Iowa water science center of
 9 the United States geological survey or the director's designee.
- 10 ~~{2}~~ (b) The state conservationist from the Iowa office of
 11 the United States department of agriculture's natural resources
 12 conservation service or the state conservationist's designee.
- 13 ~~{3}~~ (c) The executive director for Iowa from the United
 14 States department of agriculture's farm services agency or the
 15 executive director's designee.
- 16 ~~{4}~~ (d) The state director for Iowa from the United States
 17 department of agriculture's office of rural development or the
 18 state director's designee.
- 19 ~~{5}~~ (e) The director of region seven of the United States
 20 environmental protection agency or the director's designee.
- 21 ~~{6}~~ (f) The corps commander from the United States army
 22 corps of engineers' Rock Island district or the commander's
 23 designee.
- 24 (g) The director of the center for agricultural and
 25 rural development at Iowa state university or the director's
 26 designee.
- 27 ~~7.~~ (12) The dean of the college of engineering at the
 28 university of Iowa or the dean's designee.
- 29 (13) The executive director of conservation districts of
 30 Iowa or the executive director's designee.
- 31 b. The nonvoting members of the council shall include all
 32 of the following:
- 33 (1) Two members of the senate. One senator shall be
 34 appointed by the majority leader of the senate and one senator
 35 shall be appointed by the minority leader of the senate.

1 (2) Two members of the house of representatives. One
2 member shall be appointed by the speaker of the house of
3 representatives and one member shall be appointed by the
4 minority leader of the house of representatives.

5 Sec. 3. Section 466B.3, subsection 6, Code 2013, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* In coordination with the department of
8 natural resources and the department of agriculture and land
9 stewardship, the council shall review, amend, and approve the
10 state nutrient reduction strategy. In reviewing and approving
11 the strategy, the council shall ensure that all concerns raised
12 by the United States environmental protection agency regarding
13 the strategy are addressed. The department of natural
14 resources and the department of land stewardship shall include
15 in the final strategy any changes recommended by the council.
16 In coordination with the department of natural resources and
17 the department of agriculture and land stewardship, the council
18 shall provide oversight of the implementation of the strategy.

19 Sec. 4. Section 466B.31, subsection 1, Code 2013, is amended
20 to read as follows:

21 1. A watershed planning advisory council is established
22 for purposes of assembling a diverse group of stakeholders to
23 review research and make recommendations to and collaborate
24 with various state entities regarding methods to protect water
25 resources in the state, assure an adequate supply of water,
26 mitigate and prevent floods, and coordinate the management of
27 those resources in a sustainable, fiscally responsible, and
28 environmentally responsible manner. The advisory council may
29 seek input from councils of governments or other organizations
30 in the development of its recommendations. The advisory
31 council shall meet once a year and at other times as deemed
32 necessary to meet the requirements of this section. The
33 advisory council may appoint a task force to assist the
34 advisory council in completing its duties.

35 Sec. 5. Section 466B.31, subsection 2, paragraph a,

1 subparagraph (12), Code 2013, is amended by striking the
2 subparagraph.

3 Sec. 6. Section 466B.31, subsection 2, paragraph a, Code
4 2013, is amended by adding the following new subparagraphs:

5 NEW SUBPARAGRAPH. (20) One member selected by the women,
6 food, and agriculture network.

7 NEW SUBPARAGRAPH. (21) One member selected by the midwest
8 office of the environmental working group.

9 NEW SUBPARAGRAPH. (22) One member selected by practical
10 farmers of Iowa.

11 NEW SUBPARAGRAPH. (23) One member selected by the Iowa
12 farmers union.

13 NEW SUBPARAGRAPH. (24) One member selected by the Iowa
14 association of county conservation boards.

15 NEW SUBPARAGRAPH. (25) One member selected by the Iowa
16 association of water agencies.

17 NEW SUBPARAGRAPH. (26) One member selected by watershed
18 management authorities created pursuant to section 466B.22.

19 Sec. 7. Section 466B.31, subsection 2, paragraph b, Code
20 2013, is amended by striking the paragraph.

21 Sec. 8. NEW SECTION. **466B.41 Distressed subwatersheds.**

22 1. By January 1, 2014, the department of natural resources
23 shall adopt rules pursuant to chapter 17A designed to identify
24 and designate distressed subwatersheds in the state. The rules
25 shall provide that distressed subwatersheds are subwatersheds
26 with the greatest water quality concerns based on nitrogen
27 levels, phosphorus levels, and other pollutant levels flowing
28 out from the subwatershed. The rules shall provide for the
29 reevaluation of distressed subwatersheds and the removal of the
30 designation. Distressed subwatersheds shall be designated by
31 July 1, 2014.

32 2. The department shall establish pollutant reduction goals
33 for each distressed subwatershed at the time of designation.
34 The goal shall be a collective subwatershed goal of a minimum
35 of a fifty percent reduction in the pollutants flowing out of

1 the subwatershed.

2 3. The department shall coordinate the activities between
3 the water resources coordinating council and any watershed
4 management authority located in a distressed subwatershed.

5 Sec. 9. NEW SECTION. 466B.42 Water stewardship plans.

6 1. For purposes of this section, "*agricultural land*" means
7 the same as defined in chapter 9I.

8 2. Each owner of agricultural land in a distressed
9 subwatershed designated pursuant to section 466B.41 shall
10 develop a water stewardship plan. A water stewardship plan
11 is a written strategy identifying the conservation practices
12 the owner of the agricultural land will implement and maintain
13 to assist the distressed subwatershed in meeting the pollution
14 reduction goal established pursuant to section 466B.41. At a
15 minimum, a plan shall do all of the following, as applicable:

16 a. Budget, supply, and conserve nutrients for plant
17 production.

18 b. Minimize agricultural nonpoint source pollution of
19 surface and groundwater.

20 c. Properly utilize manure or organic byproducts as a plant
21 nutrient source.

22 d. Maintain or improve the physical, chemical, and
23 biological condition of soil.

24 3. A water stewardship plan shall be developed using
25 conservation parameters developed by the department of
26 agriculture and land stewardship, including baseline practices
27 based on the particular soil type, slope, and landscape
28 features.

29 4. Each owner of agricultural land required to develop a
30 water stewardship plan shall obtain approval of the plan from
31 the department of agriculture and land stewardship or a person
32 approved by the department. After approval, the plan shall be
33 submitted to the department of natural resources.

34 5. The department of natural resources shall require
35 periodic review and, if needed, updating of each water

1 stewardship plan by the person submitting the plan.

2 6. Notwithstanding chapter 22, the department of natural
3 resources shall not make individual water stewardship plans
4 public. The department shall make public aggregate measures of
5 pollutants and aggregate, nonidentifiable summaries of water
6 stewardship plans and conservation practices.

7 EXPLANATION

8 This bill relates to water resources and watershed
9 management.

10 The bill adds one voting member and four legislative
11 nonvoting members to the water resources coordinating council.

12 The bill requires the water resources coordinating council,
13 in coordination with the department of natural resources and
14 the department of agriculture and land stewardship, to review,
15 amend, and approve the state nutrient reduction strategy, and
16 to provide oversight of the implementation of the strategy.

17 The bill removes one voting member and four legislative
18 nonvoting members from the watershed planning advisory council.
19 The bill adds seven new voting members to the council.

20 The bill requires the department of natural resources to
21 adopt rules to identify and designate distressed subwatersheds
22 in the state. The distressed subwatersheds shall be designated
23 by July 1, 2014. The bill requires the department to establish
24 pollutant reduction goals for each distressed subwatershed
25 at the time of designation. The goal shall be a collective
26 subwatershed goal of a minimum of a 50 percent reduction in the
27 pollutants flowing out of the subwatershed. The bill requires
28 the department to coordinate the activities between the water
29 resources coordinating council and any watershed management
30 authority located in a distressed subwatershed.

31 The bill requires each owner of agricultural land in
32 a designated distressed subwatershed to develop a water
33 stewardship plan. A water stewardship plan is a written
34 strategy identifying the conservation practices the owner of
35 the agricultural land will implement and maintain to assist the

1 distressed subwatershed in meeting the pollution reduction goal
2 for the subwatershed. The bill requires a water stewardship
3 plan to be developed using conservation parameters developed by
4 the department of agriculture and land stewardship. The bill
5 requires each owner of agricultural land to obtain approval of
6 the water stewardship plan from the department of agriculture
7 and land stewardship or a person approved by the department.
8 The bill requires approved plans to be submitted to the
9 department of natural resources. The bill prohibits individual
10 water stewardship plans from being made public and requires
11 the department of natural resources to make public certain
12 aggregate, nonidentifiable information.